

THE WEEKLY NATIONAL INTELLIGENCER

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NATIONAL INTELLIGENCER.

THE TONNAGE DUTY QUESTION.

Desiring to oblige the gentlemen to whom the subjoined letter of Mr. WILLIAMS was addressed, and who requested its insertion in our paper, we think it due to fairness to accompany it with the letter of Mr. DOUGLAS, to which it is a reply. We therefore, at some inconvenience, make room for both.

THE TONNAGE DUTY QUESTION.

UNITED STATES HOTEL, WASHINGTON, JANUARY 23, 1854.

GENTLEMEN: I avail myself of the first leisure I have had, since the receipt of your kind letter of the 21st instant, to respond to your request to favor you with my views upon the subject of river and harbor improvements, and particularly upon the measure of tonnage duties recommended in the message and accompanying documents transmitted to Congress at the commencement of its present session by the President of the United States.

As the President's recommendation on that subject is rather indefinite, I have looked to a letter directed by a distinguished Senator of our own State to the Governor of that State, bearing date January 2, 1854, to learn the details of the recommendation as well as the reasons in favor of its adoption.

The plan, then, as I understand it, consists, first, in the passage of an act of Congress giving its consent that the States may either separately or in confederation improve all the harbors and navigable rivers within their limits or on their borders, and that they may for this purpose lay duties of tonnage upon all boats and vessels navigating the same; and, secondly, in the complete and entire surrender of river and harbor improvements by Congress to the States.

This certainly proposes a very important change in the legislation of the country upon a subject of deep and increasing interest; and recommended, as it is, by persons having all the claim to respect which high official station can confer, it should, and doubtless will, receive by Congress and the country full and mature consideration.

In determining upon the relative merits of the present system of appropriations of money out of the National Treasury by Congress, to be expended under the direction of the President, and the proposed system to be prosecuted under separate or confederated State authority with money raised by duties of tonnage, efficiency and economy are important if not controlling considerations, and in both these respects, it seems to me, the old system is the preferable one; it is certainly the most efficient and economical. Under the money is in the Treasury, and there is nothing to do but to appropriate and expend it; whilst under the proposed system to improve the navigation of the Mississippi river, a compact or articles of confederation is to be entered into by the nine States bounded by that river: each of these States is then to pass a law in conformity with the compact; then nine commissioners are to be appointed; ports of entry are then to be established; then collecting officers are to be appointed at each port, and when they have collected the duties and paid them into the treasury, they will be precisely at the point from which we set out under the old system.

The nine commissioners will have to appropriate the money, and in doing this they must determine how much shall be applied to each improvement which, in their opinion, it is necessary to make from the Falls of St. Anthony to the mouth of the river. It would seem that this simple statement was sufficient to show the superiority of the old over the proposed system in point both of efficiency and economy. But let us look at the practical operation a little more in detail. First, a compact is to be formed by and between nine States. How is this to be done? I suppose by a convention of delegates from each State. How and where is this convention to be held? Who is to take the initiative? Is it to be legislative or executive authority? How are the States to be represented? According to population or according to the extent of their territory on the river, or on what other principle? If only two States send delegates, are they to have power to form a compact binding on the other States, or must the whole scheme be abandoned? But let us suppose that these difficulties are all obviated and the convention duly organized at Memphis. What is to be the extent of their authority? Are they to have power to make a compact obligatory upon the States, or is it to be submitted to and ratified by the States? What is to be the nature of the compact? Is it to be in the nature of the old articles of confederation under which the Continental Congress was held, or is it to be simply a contract between the States? If so, how is it to be enforced? If by the separate legislation of States, what would be the consequence if one of the States should refuse to legislate on the subject? But let it be supposed that the confederacy is formed and organized by the necessary legislation and the appointment of the nine commissioners: what is to be the tenure of their office and the extent and nature of their power? Is it to be both legislative and executive? or are the States to legislate from time to time on the subject? If further legislation should become necessary, what would be the consequence if some of the States should refuse to legislate, or if their legislation should be contradictory or inconsistent? The subject is fruitful and might be extended, but this is sufficient to suggest to any reflecting mind the difficulties that must be encountered the moment an attempt is made to put into practice the proposed system. Indeed, it was these difficulties, as demonstrated by actual experience, that led to the abandonment of the old confederation and the substitution of the present constitution of the United States in its stead. The confederacy was found to be altogether inadequate to the exigency of the times, though the thirteen States to be governed by it contained only a population of about three million of souls. It was to have an efficient government, capable of making and executing its own laws, to do for the States what they could not conveniently do for themselves through their State Governments, that the General Government was ordained and established. One of the most important things which experience proved could not be conveniently done by the Continental Congress and the separate State Governments was the regulation of commerce; and now it is gravely proposed, in this age of progress, to take a step backward and abandon one of the most important functions of the Government, not to one confederacy of thirteen States, but the Mississippi confederacy of nine States, the Ohio confederacy of six States, the Delaware confederacy of three States, and a number of other small confederacies!

The importance of river and harbor improvements and the power of Congress is admitted by our learned Senator in the most emphatic manner. In relation to the power of Congress he says: "This power has been affirmed in some form and exercised to a greater or less extent by each successive Congress and every Administration since the adoption of the Federal Constitution. All acts of Congress providing for the erection of lighthouses, the planting of buoys, the construction of piers, the removal of snags, the dredging of channels, the inspection of steamboat boilers, the carrying of life-boats, in short, all enactments for the security of navigation and the safety of life and property within our navigable waters, assert the existence of this power and the propriety of its exercise in some form." And upon its importance he says: "The great and growing interest of navigation is too important to be overlooked or disregarded. Mere negative action will not answer. The irregular and vacillating policy which has marked our legislation on this subject is ruinous." I most cordially concur in the truth of every word of this, but regret most sincerely that his talents and great influence should be exerted in a direction to paralyze the efforts of the friends of river and harbor improvements, and to continue the irregular and vacillating policy which he so justly deprecates. Congress has the power and it is their duty to make this improvement, and not attempt to throw it back on the States, where, to say the least, it cannot be so conveniently exercised.

But the President as well as our learned Senator says the legislation of Congress on the subject has heretofore been irregular and vacillating. Our Senator says, in substance, that Congress has not appropriated more than \$500,000 in getting a small appropriation once in four or five years; that the amount was so small that most of it was used in purchasing machinery to commence the work; and that, failing to get appropriations for one, two, three, and some times four years, the machinery was sold at auction; and that as a general rule the money was not wisely and economically applied; that the money was expended under the direction of professional men, whose knowledge and science in the line of their profession were only equalled by their profound ignorance of all those local and practical questions which ought to determine the site and plan of the improvement; whereas, in his opinion, it should be under the supervision of intelligent and experienced steamboat captains or pilots. With all difference, I submit that this does not constitute any solid objection to the old system. It amounts only to this, that Congress and the President have not heretofore done their duty; and what assurance have we that the State authorities, under the proposed plan, will do any better? So far as there is any force in the objection, it applies alike to both systems. No system administered by men who will not do their duty can be expected to work well. But then the error is not in the system, but in the agents who administer, and the proper correction would seem to be to reform the unfaithful agents, and not to abandon the system. Let the system which is good be preserved and perfected, and the "ruinous" practice under it which is bad be reformed.

But it is said that the bills which Congress has passed on this subject are legislative omnibuses, in which all sorts of works were crowded together, good and bad, wise and foolish, national and local. A bill of this kind, in my opinion, should be an omnibus, embracing all the works throughout the length and breadth of our widely-extended country which require the fostering care of the Government, charged with the protection, preservation, and improvement of the navigating interests of the country. That some works of doubtful expediency have been and will continue to be embraced is incident to human nature. "To err is human." This is abundantly proved by the history of legislation on all subjects; and if it proves any thing to the point, it proves that all attempts at legislation upon any subject should be abandoned. Without attempting to deny that in some instances money has been unwisely appropriated to river and harbor improvements, I affirm that appropriations thereto are not as numerous or as flagrant in character as those which mark the appropriations of money by Congress for other purposes. The great error in the legislation of Congress on this subject is not that too much money has been appropriated for improvements which ought not to be made, but that too little has been appropriated for improvements that ought to be made.

But it is the omnibus principle that is condemned. This is not the only kind of legislation to which that principle is applied. It is applied more or less by all legislative bodies to all kind of legislation. It applies to every general appropriation bill ever passed by Congress; and in 1850 there was a Congressional omnibus of another kind, which has become the test of political orthodoxy with both of the great parties, and at whose shrine the factions which opposed it at the time of its passage now offer up daily their adorations. So I trust it may be long ere it be in relation to internal improvement omnibuses large enough to embrace the great navigating interest of the country and to protect the lives and property of our people every where.

But allow the omnibus principle to be an unmitigated evil. The objection applies to the proposed system as well as the present. It is as prevalent in State as in Congressional legislation. In our own State it was applied to our internal improvement system, which resulted, as we know, in a debt of eleven millions of dollars, and but fifty-five miles of railroad, worth in cash about \$50,000! It is to be hoped Congress has not made many worse omnibuses than this.

But it is said that the proposed system "would withdraw river and harbor improvements from the perils of the political arena." It does not belong to the arena of partisan politics, and there is no occasion or excuse for subjecting it to those perils in Congress; but if members of Congress, forgetful and in violation of their duty, will connect it with party politics, do not the same parties exist in the States? And will they not exist in the new confederacies to be formed under the proposed system, and will there be no perils of the political arena there?

It is said that the costs of either system would be a tax on commerce. This is substantially true, but under the present system it costs nothing or next to nothing to collect that tax. It is now collected by the revenue officers of the United States, who must be continued under the new system or is not adopted. Under the proposed plan new collectors must be appointed at every port, and I suppose the States or confederacies would find it necessary to have treasurers to receive and keep the money and auditors to audit accounts. Without attempting to guess at the cost of collecting and keeping the money under the proposed plan, it is evident that it must amount to a very considerable sum, as it would be collected in small items. I have understood that in some of the small collection districts of the United States the cost of collecting the revenue is about equal to the whole receipts.

Our distinguished Senator says "that system which will ensure the construction of the improvements upon the best plan and at the smallest cost will prove the least oppressive to the tax-payer and the most useful to commerce." This may be admitted to be true, and I think I have shown that in this respect the present is far preferable to the proposed system. But he proceeds to say: "It requires no argument to prove—forever day's experience teaches us—that public works of every description can be made at a much smaller cost by private enterprise, or by the local authorities directly interested in the improvement, than when constructed by the Federal Government." I do not understand why the Senator inserted "by private enterprise." He does not propose to commit river and harbor improvements to "private enterprise," but to States or confederacies. The comparison should, therefore, be between the United States on the one side, and a State or confederacy on the other, and between them I apprehend experience shows little difference. I do not pretend to

know how it is in other States, but judging from our experience in Illinois, the balance sheet would not certainly be in favor of the State.

I have thus far spoken in reference to the efficiency and economy of the two systems. There is another aspect of the subject which strikes us as a very interesting and important one. The costs of both systems, it is said, is a tax upon commerce. There is, however, this important difference: Under the present system it falls exclusively upon foreign commerce, leaving the internal trade among the States free and unfettered, whilst the proposed system throws the burden chiefly upon domestic or internal commerce. In connection with this aspect of the subject it is necessary to notice, for the purpose of correcting the error into which the Senator has fallen, that the tax upon merchandise or commerce is paid by the consumer. To my mind nothing is clearer than that all local taxes upon produce or merchandise exported to a foreign market come out of the profits of the producer. A farmer ships from Chicago, Illinois, one hundred barrels of flour for the English market; he pays the tonnage duties at Chicago, Cleveland, and Buffalo. When he arrives at New York he finds a farmer there with the same number of barrels who has paid no tonnage duty. The latter pays the tax, the Illinois farmer should have received that much more for his flour than was paid to the New York farmer. I have only space to make suggestions on this and one other point. It is proposed to give the States power, as I understand it, to establish as many ports of entry as they please, and of course they may have power to compel all boats to land at the ports. May not this become very annoying to navigators?

I am, gentlemen, very respectfully, your friend and obedient servant, AROTHALD WILLIAMS. HON. JAS. KNOX, E. B. WASHINGTON, JESSE O. NOR- TON, and RICHARD L. TAYLOR.

RIVER AND HARBOR IMPROVEMENTS.

Letter of Senator Douglas to the Governor of Illinois.

WASHINGTON, JANUARY 2, 1854.

SIR: I learn from the public press that you have under consideration the proposition to convene the Legislature in special session. In the event such a step shall be demanded by the public voice and necessities, I desire to invite your attention to a subject of great interest to our people, which may require legislative action. I refer to the establishment of a more efficient and permanent system for river and harbor improvements. Those portions of the Union most deeply interested in internal navigation naturally feel that their interests have been neglected, if not paralyzed, by an uncertain, vacillating, and partial policy. Those who reside upon the banks of the Mississippi, or on the shores of the great Northern lakes, and whose lives and property are frequently exposed to the mercy of the elements for want of harbors of refuge and means of safety, have never been able to comprehend the force of that distinction between fresh and salt water which affirms the power and duty of Congress, under the Constitution, to provide security to navigation so far as the tide ebbs and flows, and denies the existence of the right between the tide mark. Our lawyers may have read in English books that, by the common law, all waters were deemed navigable so far as the tide extended, and no further; but they should also have learned from the same authority that the law was founded upon reason, and where the reason failed the rule ceased to exist. In England, where they have neither lake nor river, nor other water which is in fact navigable, except where the tide rolls its briny wave, it was natural that the law should conform to the fact, and establish that as a rule which the experience of all men proved to be founded in truth and reason. But it may well be questioned whether, if the common law had originated, as the shores of Lake Michigan—a vast inland sea, with an average depth of six hundred feet—it would have been deemed "not navigable" merely because the tide did not flow, and the water was fresh and well adapted to the uses and necessities of man. We therefore feel authorized to repudiate, as unreasonable and unjust, all injurious discriminations predicated upon salt water and tidal arguments, and to insist that if the power of Congress to protect navigation has any existence in the Constitution, it reaches every portion of this Union where the water is in fact navigable, and only ceases where the fact fails to exist. This power has been affirmed in some form and exercised to this extent by each successive Congress and every Administration since the adoption of the Federal Constitution. All acts of Congress providing for the erection of lighthouses, the planting of buoys, the construction of piers, the removal of snags, the dredging of channels, the inspection of steamboat boilers, the carrying of life boats, in short, all enactments for the security of navigation and the safety of life and property within our navigable waters, assert the existence of this power and the propriety of its exercise in some form.

The great and growing interest of navigation is too important to be overlooked or disregarded. Mere negative action will not answer. The irregular and vacillating policy which has marked our legislation upon this subject is ruinous. Whenever appropriations have been proposed for river and harbor improvements, and especially on the Northern lakes and the Western rivers, there has usually been a death struggle and a doubtful issue. We have generally succeeded with an appropriation once in four or five years; in other words, we have, upon an average, been beaten about four times out of five in one House, and about three times out of five in the other. The result has been that the money has been expended in providing dredging machines and snag boats and other necessary machinery and implements; and by the time the work was fairly begun the appropriation had expired, and further operations were impeded. Failing to procure additional appropriations at the next session, and perhaps for two, three, or four successive sessions, the Administration has construed the refusal of Congress to provide the funds for the prosecution of the works into an abandonment of the system, and has not for the reason that it is a duty, as at public work, the dredging machines and snag boats, implements and materials on hand for whatever they would bring. Soon the country was again startled by the frightful accounts of wrecks and explosions, fires and snags upon the rivers, the lakes, and the sea-coast. The responsibility of these appalling sacrifices of life and property were charged upon those who defied the appropriations for the prosecution of the works. Sympathy was excited, and a concerted plan of agitation and organization formed by the interested sections and parties to bring their combined influence to bear upon Congress in favor of the re-establishment of the system on an enlarged scale, and sufficiently comprehensive to embrace the local interests and influences in a majority of the Congressional districts of the Union. A legislative omnibus was formed, in which all sorts of works were crowded together, good and bad, wise and foolish, national and local, all crammed into one bill, and forced through Congress by the power of an organized majority, after the fearful and exhausting struggle of a night session. The bill would receive the votes of a majority in each House, not because any one Senator or Representative approved all the items contained in it, but for the reason that humanity, as well as the stern demands of an injured and suffering constituency, required that they should make every possible sacrifice of property to diminish the terrible loss of human life by the perils of navigation. The result was a simple re-enactment of the former system. Machinery, implements, and materials purchased, the works re-commenced, the money exhausted, subsequent appropriations withheld, and the operations suspended, without completing the improvements or contributing materially to the safety of navigation. Indeed, it may be well questioned whether, as a general rule, the money has been wisely and economically applied, and in many cases whether the expenditure, such as the distribution of so much money among contractors, laborers, and superintendents in the favored localities; and in others whether it has not been of positive detriment to the navigating interest.

Far be it from me to purpose to call in question the industry, talent, or zeal of those who are professional duty it is to be desired that the plan and superintend the construction of the works. But to insist that from the nature of their profession and their habits of life they could not be expected to possess that local knowledge, that knowledge of currents, tides, and effects of storms, floods, and ice, all ways different and ever changing in each locality of this widely-extended country, which is essential in determining upon the proper site and plan for an improvement to the navigation. Without depreciating the value of science or disregarding its precepts, I have no hesitation in saying that the opinion of an intelligent captain or pilot who, for a long series of years, had sailed out of and into a given port, in fair weather and foul, and who had carefully and daily watched the changes produced in the channels by the currents and storms, wrecks and other that of a general system of internal improvement, whose only qualification was his profound ignorance of all those local and practical questions which ought to determine the site and plan of the proposed improvement. To me, therefore, it is a matter of surprise that errors and blunders occur in the mode of constructing the works, and that failures and extravagance everywhere appear, and the expenditure of the money. These evils seem to be inherent in the system; at least, they have thus far proved themselves to be so, and have been the cause of their own ruin.

In addition to these facts, it should be borne in mind that a large and intelligent portion of the American people, comprising perhaps a majority of the Democratic party, are in the habit of considering these works as a national improvement, and therefore in violation of the creed of the Democratic party and of the Constitution of the United States. These two-fold objections, the one denying the constitutional power and the other the expediency of appropriating the National Treasury, seem to be additional strength and force in proportion as the importance of the subject is enhanced and the necessity for more numerous and extensive improvements is created by the extension of our territory, the expansion of our settlements, and the development of the interests of a frontier people, and in proportion as the interest, and especially identified by all the ties of affection, gratitude, and interest with that section of the Republic which is the most deeply interested in internal navigation. I see no hope for any more favorable results from national appropriations than we have heretofore obtained, and I see no reason to believe that by its results, taking the past as a fair indication of what might reasonably be expected in the future, those of us who have struggled hardest to render it efficient and useful are compelled to confess that it has proven a miserable failure. It is worthy the serious consideration of the people, and it is to be feared that the Government, if it has failed to accomplish the desired objects, it has had the effect to prevent local and private enterprise from making the improvements under State authority by holding out the expectation that the Federal Government was about to make them.

In illustration, let us suppose that twenty-five years ago, when we first began to talk about the construction of railroads in this country, the Federal Government had assumed to itself jurisdiction of all works of that description, to the exclusion of State authority and individual enterprise. In that event, does any one believe that it would have been possible to construct the thousands of miles of railroad completed, and fifteen thousand miles in addition under contract? It is to be presumed that, if our own State had prostrated itself in humble supplication at the feet of the Federal Government, and with folded arms had waited for appropriations from the National Treasury, it would have been a long time before it could have obtained a single mile of railroad. It is to be presumed that, if our own State had waited for appropriations from the National Treasury, it would have been a long time before it could have obtained a single mile of railroad. It is to be presumed that, if our own State had waited for appropriations from the National Treasury, it would have been a long time before it could have obtained a single mile of railroad.

The history of internal improvements by the Federal Government be fairly written, and it will furnish a lesson to the country. The Government, for more than a quarter of a century the energies of the National Government, together with all the spare funds in the Treasury, were directed to the construction of a Macadamized road from Cumberland, in the State of Maryland, to Jefferson City, in the State of Missouri, with the view of obtaining appropriations from the National Treasury, and of obtaining State authority and stimulating individual enterprise, we should now have in Illinois three thousand miles of railroad in process of construction. Let the history of internal improvements by the Federal Government be fairly written, and it will furnish a lesson to the country. 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